

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Patent Application of

Vincent GERUSZ et al

Date: August 6, 2001

Serial No.:

Group Art Unit:

Filed:

Examiner:

For: FUNGICIDAL PHENYLIMINE DERIVATIVES

Asst. Commissioner for Patents
Washington, D.C. 20231**SECOND PRELIMINARY AMENDMENT**

Preliminary to review of the above referenced application, please amend as follows.

FEE CALCULATION

Any additional fee required has been calculated as follows:

_____ If checked, "Small Entity" status is claimed.

| | NO. CLAIMS AFTER AMENDMENT | | HIGHEST NO. PREVIOUSLY PAID FOR | | EXTRA PRESENT | | RATE | ADDIT. FEE |
|--|----------------------------------|-------|---------------------------------------|------|---------------|---|---------------------|---------------|
| TOTAL | 34 | MINUS | 33 | * = | 1 | X | (\$9 SE or \$18) | \$ 18.00 |
| INDEP. | 1 | MINUS | 3 | ** = | 0 | X | (\$40 SE or \$80) | \$ |
| FIRST PRESENTATION OF MULTIPLE DEPENDENT CLAIM | | | | | | X | (\$135 SE or \$270) | \$ |

* not less than 20 ** not less than 3

TOTAL \$ 18.00

If any additional payment is required, a check which includes the calculated fee of \$18.00 (OFGS Check No. 5867) is attached.

In the event the actual fee is greater than the payment submitted or is inadvertently not enclosed or if any additional fee during the prosecution of this application is not paid, the Patent Office is authorized to charge the underpayment to Deposit Account No. 15-0700.

T09030"06T2260

CONTINGENT EXTENSION REQUEST

If this communication is filed after the shortened statutory time period had elapsed and no separate Petition is enclosed, the Commissioner of Patents and Trademarks is petitioned, under 37 C.F.R. § 1.136(a), to extend the time for filing a response to the outstanding Office Action by the number of months which will avoid abandonment under 37 C.F.R. § 1.135. The fee under 37 C.F.R. § 1.17 should be charged to our Deposit Account No. 15-0700.

AMENDMENTS

 X If checked, amendment(s) to the specification and/or claims are submitted herewith.

1. If checked, an abstract is submitted as the last page of Appendix A.

2. Specification:

Please delete the paragraph(s)/section(s) beginning at page, _____ and replace such paragraph(s)/section(s) pursuant to 37 C.F.R. § 1.121(b)(ii) with the “clean” version attached hereto as Appendix A. Entry is respectfully requested. A version with markings to show the changes made pursuant to 37 C.F.R. § 1.121(b)(iii) is attached hereto as Appendix B.

3. Claims:

Please cancel claims _____ without prejudice.

Please amend claims 17, 21-26, 31 and 32 and add new claim 36 pursuant to 37 C.F.R. § 1.121(c)(i) as set forth in the “clean” version attached hereto as Appendix A. Entry is respectfully requested. A version with markings to show the changes made pursuant to 37 C.F.R. § 1.121(c)(ii) is attached hereto as Appendix B.

 If checked, the optional complete set of “clean” claims pursuant to 37 C.F.R. § 1.121(c)(3) is attached hereto as Appendix C.